

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

JOE MANIS,

Plaintiff,

v.

U.S. DEPARTMENT OF  
AGRICULTURE; THOMAS JAMES  
VILSACK, in his official capacity as the  
Secretary of Agriculture; MICHAEL  
WATSON, in his official capacity as  
Administrator of the Animal and Plant  
Inspection Service,

Defendants.

Civil Action No. 24-cv-175

**DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. P.  
12(b)(6), OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

NOW COME Defendants, by and through Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and respectfully move this Court to dismiss Plaintiff's Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted, or in the alternative, to award summary judgment to Defendants pursuant to Fed. R. Civ. P. 56(a), because there is no genuine dispute as to any material fact and Defendants are entitled to judgment as a matter of law.

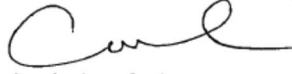
As grounds for this motion, Defendants refer the Court to the attached memorandum and supporting declaration.

*(signature on following page)*

This the 20th day of May, 2024.

Respectfully submitted,

SANDRA J. HAIRSTON  
United States Attorney



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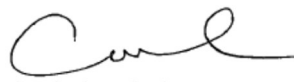
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2024, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, and that copies of the documents were served via the CM/ECF system on all counsel of record.



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